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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

<b>APPEAL BRIEF TRANSMITTAL &amp; REQUEST FOR EXTENSION OF TIME</b>		Docket Number: <b>10191/2209</b>	Conf. No. <b>3038</b>
Application Number <b>10/045,789</b>	Filing Date <b>January 11, 2002</b>	Examiner <b>Brian B. Broadhead</b>	Art Unit <b>3661</b>
Invention Title <b>VEHICLE CONTROLLER AND CONTROL METHOD</b>		Inventor <b>Rainer SOMMER</b>	

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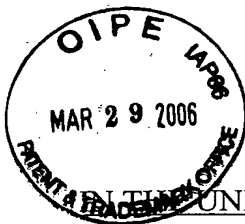
Further to the Notice of Appeal dated January 25, 2006 for the above-referenced application, enclosed are three copies of an Appeal Brief. Accompanying the Appeal Brief is the Appendix to the Appeal Brief.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 41.20(b)(2) appeal brief filing fee of **\$500.00**, and any additional fees associated with this communication to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.

 (R. No. 36,197)

Dated: March 27, 2006

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[10191/2209]

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Rainer SOMMER

For: **VEHICLE CONTROLLER AND  
CONTROL METHOD**

Filed: January 11, 2002

Serial No.: 10/045,789

Examiner: Brian J. Broadhead

Art Unit: 3661

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Date: March 27, 2006

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Jong H. Lee (Reg. No. 36,197)

**APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37**

SIR:

On January 25, 2006, Appellant submitted a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated July 25, 2005 in the above-identified patent application. The notice of Appeal is believed to have been received by the United States Patent and Trademark Office on January 30, 2006.

In accordance with 37 C.F.R. § 41.37, this brief is submitted in support of the appeal of the final rejections of claims 1 to 12. For at least the reasons set forth below, the final rejections of claims 1 to 12 should be reversed.

**1. REAL PARTY IN INTEREST**

The real party in interest in the present appeal is Robert Bosch GmbH, Postfach 30 02 20, 70442 Stuttgart, Federal Republic of Germany, which is the assignee of the entire right, title and interest in the present application.

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## **2. RELATED APPEALS AND INTERFERENCES**

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellant or the assignee, Robert Bosch GmbH, “which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.”

## **3. STATUS OF CLAIMS**

Appellant appeals from the final rejections of claims 1 to 12. Among the appealed claims, claims 1 and 7 are independent. Claims 2-6 depend on claim 1, and claims 8-12 depend on claim 7.

Claims 1 to 12 stand finally rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1 to 5, and 7 to 11 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Volkswagen official repair manual for model year 1999 Jetta/Golf/GTI (the “Manual”) and U.S. Patent No. 5,513,107 (“Gormley”).

Claims 6 and 12 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual, Gormley, and U.S. Patent No. 6,184,661 (“Becker et al.”).

A copy of the appeal claims, *i.e.*, claims 1 to 12, is attached hereto in the Claims Appendix.

## **4. STATUS OF AMENDMENTS**

In response to the Final Office Action dated July 25, 2005, Appellant mailed a “Reply Under 37 C.F.R. § 1.116” on December 27, 2005. However, the Reply did not contain any amendments.

## **5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present invention relates to a vehicle controller and a method for a vehicle controller that may be applied to a plurality of different vehicle versions. Fig. 1 shows an example embodiment of the vehicle controller. *Specification*, page 2, line 28. In this case, the vehicle controller includes a code word memory 10 that may hold a version coding, *Specification*, page 2, line 30; a memory 30 for application data, e.g., control parameters of a plurality of different vehicle versions, *Specification*, page 2, lines 16 to 17, and page 3, lines 4 to 6, and lines 19 to 20; a processing unit 20 for processing the version coding of the

memory 10, *Specification*, page 3, lines 10 to 16; a selector unit 40 for accessing and reading memory locations in the memory 30 based on the processing of the processing unit 20, *Specification*, page 3, lines 15 to 17; and a control unit 50 for executing a control program based on a value read by the selector unit 40. *Specification*, page 3, lines 14 to 15. The control parameters may pertain to, for example, an electronic unit such as a generator. *Specification*, page 3, line 31 to page 4, line 2.

The version coding pertains to information regarding the vehicle allocated to the vehicle controller. *Specification*, page 2, line 30 to page 3, line 2. The vehicle controller is customized for the allocated vehicle, for example, by executing a control program via the control unit 50, based on a processing of the version coding by the processing unit 20. *Specification*, page 3, lines 8 to 20.

The version coding includes a plurality of bit positions. *Specification*, page 3, lines 11 to 12. The selector unit 40 may access and read control parameters of the memory 30 based on a direct processing and/or an indirect algorithmic processing of the version coding by the processing unit 20. *Specification*, page 3, lines 8 to 12. For the direct processing, the processing unit 20 may process values of individual bit positions of the version coding to ascertain particular memory locations of the memory 30 based on an allocation of certain individual values of the memory 30 to individual items of information of the version coding, *i.e.*, individual values of the individual bit positions. *Specification*, page 3, lines 8 to 9. For the indirect processing, the processing unit 20 may algorithmically process values of combinations of bit positions of the version coding, determined by logic links of the bit positions formed in the processing unit 20, to ascertain particular memory locations of the memory 30, *e.g.*, in addition to those locations ascertained via direct processing, based on an allocation of certain individual values of the memory 30 to combinations of information of the version coding. *Specification*, page 2, lines 14 to 17, and page 3, lines 9 to 15.

Control parameters may also be contained in the stored version coding. *Specification*, page 2, lines 11 to 14, and lines 19 to 20. The control parameters contained in the version coding may be in addition to control parameters stored in the memory 30. *Specification*, page 2, lines 16 to 20. Fig. 2 shows an example embodiment of those parts of the vehicle controller that may be used for executing control parameters contained in the version coding, *i.e.*, the memory 10 for storing the version coding, the control unit 50 for executing the control parameters, and the processing unit 20 for retrieving the control parameters and sending them to the control unit 50. *Specification*, page 4, lines 6 to 10.

6. **GROUND S OF REJECTIONS TO BE REVIEWED ON APPEAL**

A. Whether claims 1 to 12 comply with the enablement requirement of 35 U.S.C. § 112, first paragraph.

B. Whether claims 1 to 5, and 7 to 11, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Volkswagen Official Repair Manual for model year 1999 Jetta/Golf/GTI (“the Manual”) and U.S. Patent 5,513,107 (“Gormley”).

C. Whether claims 6 and 12, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of the Manual, Gormley, and U.S. Patent 6,184,661 (“Becker et al.”).

7. **ARGUMENTS**

A. **Rejection of Claims 1 to 12 Under 35 U.S.C. § 112, first paragraph**

Claims 1 to 12 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The gist of this rejection is that the Examiner does not understand the meaning of “indirect selection of control parameters.” In this regard, the Examiner assumes that both a direct and indirect selection refer to addressing a particular memory location by a direct mapping of one or more bits to the particular memory location, and therefore the Examiner concludes that he cannot discern a difference between an indirect selection as recited in claim 1, and a direct selection as recited in claim 2.

As regards the enablement requirement, the standard for determining whether a patent application complies with the enablement requirement is that the specification describe how to make and use the invention — which is defined by the claims. (See M.P.E.P. § 2164). The Supreme Court established the appropriate standard as being whether any experimentation for practicing the invention was undue or unreasonable. (See M.P.E.P. § 2164.01 (citing *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916); *In re Wands*, 858 F.2d 731, 737, 8 U.S.P.Q.2d 1400, 1404 (Fed Cir. 1988))). Thus, the enablement test is “whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.” (See *id.* (citing *United States v. Teletronics, Inc.*, 857 F.2d 778, 785, 8 U.S.P.Q.2d 1217, 1223 (Fed. Cir. 1988))).

The Federal Circuit has made clear that there are many factors to be considered in determining whether a specification satisfies the enablement requirement, which factors include, but are not limited to, the following: the breadth of the claims; the nature of the invention; the state of the prior art; the level of ordinary skill; the level of

predictability in the art; the amount of direction provided by the inventor; the existence of working examples; and the quantity of experimentation needed to make or use the invention based on the disclosure. (*See id.* (citing *In re Wands*, 858 F.2d at 737, 8 U.S.P.Q.2d at 1404 and 1407)). In this regard, the Federal Circuit has also stated that it is “improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors,” and that the examiner's analysis must therefore “consider all the evidence related to each of these factors” so that any nonenablement conclusion “must be based on the evidence as a whole.” (*See* M.P.E.P. § 2164.01).

Appellant respectfully submits that the pending claims are readily understood by those of ordinary skill in the art. Claims are not to be read in a vacuum, but in light of the specification. When this rule is followed, and the claims are read in light of what the specification teaches, especially that which is taught, e.g., at page 2, lines 2 to 6, Appellant submits that the Specification provides ample support for the claimed limitations, and that one of ordinary skill in the art would be able to reasonably discern the respective scopes of coverage of claims 1 and 2.

The Specification teaches that a direct selection refers to a selection of a particular memory location based on a direct assignment of one or more bits to that memory location. For example, two bits provide four possible combinations. With a direct assignment of bits to memory locations, four memory locations can be alternatively addressed. By contrast, an indirect selection refers to a selection of a particular memory location based on an identification of a particular vehicle version. Accordingly, the values of the same two bits do not refer to particular memory locations, but rather identify one of four possible vehicle versions. Instead of addressing one of four memory locations, a processing unit may address one of up to four memory locations for each of numerous memory location sets. For example, the processing unit may refer to numerous categories of vehicle functions or devices. A different set of memory locations may be assigned to each category of vehicle functions or devices. During processing, the processing unit may refer to different ones of the memory sets according to an algorithm. Accordingly, based on the algorithm, the processing unit may provide for reading out different memory locations for the same two bit combination of the vehicle version code, depending on the step of the algorithm being executed.

For example, with respect to a first aspect of vehicle control, a first computation may be performed using as input the vehicle version code to obtain a first memory address for retrieving stored information or to obtain a first parameter for use in

performing the vehicle control. With respect to a second aspect of vehicle control, a second computation may be performed using as input the same vehicle version code to obtain a second memory address for retrieving stored information or to obtain a second parameter for use in performing the vehicle control. Accordingly, with algorithmic processing, where each algorithm is unique to a particular aspect of vehicle control, a large number of memory addresses or parameters may be obtained from a single vehicle version code. The number of obtainable memory addresses or parameters is not limited to the number of bit positions of the code.

In particular, it is noted that this approach results in a reduction in an amount of required memory space, both with respect to the size of a code that is required and with respect to memory locations. For example, while for some aspects of vehicle control a different memory location or parameter may be needed for each different vehicle version, this might not be the case for other aspects of vehicle control. Instead, different memory addresses or parameters may be provided for different groups of vehicle versions, rather than for each individual vehicle version. For example, for a particular aspect of vehicle control, the algorithm may provide for determining whether the vehicle version code is above or below a certain predefined value. For all vehicle versions for which a corresponding code is provided that is below the predefined number, a first memory address or parameter may be output, while for the others a different memory address or parameter may be output. Accordingly, only two memory addresses or parameters may be provided for this exemplary aspect of vehicle control.

The Specification clearly states that instead of a direct assignment of bits or bit combinations to particular memory addresses or parameters for a control of a vehicle, the code is assigned to a vehicle version which undergoes processing to obtain a parameter or a memory address. (See Specification, page 2, lines 1 to 20, and page 3, lines 8 to 20). Accordingly, one skilled in the art would be able to discern the meaning of an indirect selection as explained above in connection with the Specification.

Accordingly, the Specification provides ample support for the features of a direct and indirect selection of control parameters recited in claims 1 and 2, and therefore the Specification enables one skilled in the pertinent art to practice the claimed subject matter of claims 1 to 12 without undue experimentation.

In view of all of the foregoing, reversal of this non-enablement rejection is respectfully requested.

**B. Rejection of Claims 1 to 5, and 7 to 11 Under 35 U.S.C. § 103(a)**  
**Claims 1, 2, and 5**

Claims 1, 2, and 5 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual and Gormley. It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable any of claims 1, 2, and 5 for at least the following reasons.

To establish a *prima facie* case of obviousness, the Office must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claim 1 recites the following:

1. A vehicle controller designed for a plurality of different vehicle versions, comprising:
  - means for storing a plurality of control parameters for the different vehicle versions;
  - means for storing a version coding for customizing the vehicle controller for a predetermined vehicle version, the version coding having a plurality of bit positions; and
  - means for indirect selection of control parameters from the means for storing control parameters by algorithmic processing of values of a plurality of bit positions of the version coding.

The Examiner incorrectly asserts that the discussion in the Manual regarding a code discloses an indirect selection of control parameters by algorithmic processing of values of a plurality of bit positions, and means for such selection. The code, described on page 1-32 of the Manual, is unrelated to a codeword stored in memory having a plurality of bit positions. Unlike bits, a position in the code of the Manual can include values other than 0 and 1. The code described at page 1-32 refers to the keying in by a user of a code. Each number keyed in by the user is presumably assigned a particular value such as a 7 or 8 bit ASCII value. The Manual provides no indication as to how bits that may represent the entered code are stored or processed. Therefore, the Manual is unrelated to claim 1 and does not disclose or suggest an indirect selection of control parameters by algorithmic processing of values of bit positions.

In the “Response to Arguments” section of the Final Office Action, the Examiner asserts that “it is inherent when storing information in a computer system that it will be stored and processed in binary.” As set forth above, while each number keyed in by the user might be assigned a binary value of a certain number of bits, *the Manual provides no indication as to how bits that may represent an entered code are stored or processed*.



Whether or not stored information is inherently stored and processed in binary has no bearing on whether the features of claim 1 are disclosed or suggested by the Manual.

Furthermore, the table on page 1-32 of the Manual indicates that for each value in a code position or position-combination, the value is directly assigned to particular equipment, a market version, cylinders, or a distance impulse number. The code is not processed so that a single value can refer to different things depending on the step of an algorithm being executed. Accordingly, even if one assumes for the sake of argument that the Manual refers to a selection, which Applicant does not concede, the Manual still would not refer to an indirect selection.

In this regard, it is further noted that the Manual refers specifically to a codeword that would be used for direct selection. The Examiner incorrectly refers to positions “1+2” of the keyword as allegedly disclosing an indirect selection because of the possibility of a user adding individual equipment values to determine a value that indicates a combination of available equipment. However, the positions “1+2” provide for the values 00 for “None,” 01 for “Brake pad wear warning,” 02 for “Seatbelt warning,” and 04 for “Washer fluid level warning.” They also provide for combinations by adding the individual values of the individual equipment of a combination, for a greatest value of 07 indicating “Brake pad wear warning” + “Seatbelt warning” + “Washer fluid level warning.” However, if, in the Manual, the code numbers keyed in by the user are converted, for example, to ASCII values, the positions “1+2” provide for the values 00 = 48, 01 = 49, 02 = 50, 03 = 51, 04 = 52, 05 = 53, 06 = 54, and 07 = 55. If these values are stored as binary values, they would be stored as shown in the following table.

	2 <sup>0</sup> (1) (bit 1)	2 <sup>1</sup> (2) (bit 2)	2 <sup>2</sup> (4) (bit 3)	2 <sup>3</sup> (8) (bit 4)	2 <sup>4</sup> (16) (bit 5)	2 <sup>5</sup> (32) (bit 6)
None (00)	0	0	0	0	1	1
Brake pad wear warning (01)	1	0	0	0	1	1
Seatbelt warning (02)	0	1	0	0	1	1
Brake pad wear warning + Seatbelt warning (03)	1	1	0	0	1	1
Washer fluid level warning (04)	0	0	1	0	1	1
Brake pad wear warning + Washer fluid level warning (05)	1	0	1	0	1	1
Brake pad wear warning + Washer fluid level warning (06)	0	1	1	0	1	1
Brake pad wear warning + Seatbelt warning + Washer fluid level warning (07)	1	1	1	0	1	1

Accordingly, in the Manual, setting of bit position 1 would always indicate availability of “Brake pad wear warning,” and the availability of “Brake pad wear warning” would always be indicated by the setting of bit position 1; setting of bit position 2 would always indicate availability of “Seatbelt warning,” and the availability of “Seatbelt warning” would always be indicated by the setting of bit position 2; and setting of bit position 3 would always indicate availability of “Washer fluid level warning,” and the availability of “Washer fluid level warning” would always be indicated by the setting of bit position 3. Accordingly, contrary to the Examiner’s assertion, if any particular selection type is inherent at all in the disclosure on page 1-32 of the Manual (which Appellant does not concede), the selection would be a direct selection by single bit positions, not an indirect selection.

Accordingly, the Manual does not disclose or suggest an “*indirect* selection of control parameters . . . by algorithmic processing of values of a plurality of *bit positions* of the version coding,” as recited in claim 1.

Since Gormley does not overcome the deficiencies noted above with respect to the Manual, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 1.

As for claims 2 and 5 which depend from claim 1 and therefore include all of the features recited in claim 1, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable these dependent claims 2 and 5 for the same reasons set forth above in support of the patentability of claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

In view of all of the foregoing, reversal of this rejection of claims 1, 2 and 5 is respectfully requested.

### **Claim 3**

Claim 3 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual and Gormley. It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 3 for at least the following reasons.

As an initial matter, claim 3 depends from claim 1 and therefore includes all of the features recited in claim 1. It is therefore respectfully submitted that the combination of the Manual and Gormley does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 1. *In re Fine, supra*.

Furthermore, claim 3 recites that “the means for selection is adapted to read control parameters which are contained in the version coding.” The Manual discusses entering a code that represents available equipment, which code includes only a number of digits; however, *nowhere does the Manual disclose that the code contains control parameters*. Gormley does not correct this deficiency of the Manual.

For this additional reason, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 3.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

#### **Claim 4**

Claim 4 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual and Gormley. It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 4 for at least the following reasons.

As an initial matter, claim 4 depends from claim 1 and therefore includes all of the features recited in claim 1. It is therefore respectfully submitted that the combination of the Manual and Gormley does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 1. *In re Fine, supra*.

Furthermore, claim 4 recites “means for reading control parameters contained in the version coding.” The Manual discusses entering a code that represents available equipment, which code includes only a number of digits; however, *nowhere does the Manual disclose that the code contains control parameters*. Gormley does not correct this deficiency of the Manual.

For this additional reason, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 4.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

#### **Claims 7, 8, and 11**

Claims 7, 8, and 11 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual and Gormley. It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable any of claims 7, 8, and 11 for at least the following reasons.

Claim 7 recites the following:

7. A control method for a vehicle controller designed for a plurality of different vehicle versions and having access to a plurality of control parameters for the vehicle versions, the method comprising:
  - version coding for a vehicle version for customizing the vehicle controller; and
  - selecting control parameters of the vehicle version by algorithmic processing of values of a plurality of bit positions of the version coding.

As set forth above in support of the patentability of claim 1, the Examiner incorrectly asserts that the discussion in the Manual regarding a code discloses selecting control parameters by algorithmic processing of values of a plurality of bit positions of a version coding. The code, described on page 1-32 of the Manual, is unrelated to a codeword stored in memory having a plurality of bit positions. Unlike bits, a position in the code of the Manual can include values other than 0 and 1. The code described at page 1-32 refers to the keying in by a user of a code. Each number keyed in by the user is presumably assigned a particular value such as a 7 or 8 bit ASCII value. The Manual provides no indication as to how bits that may represent the entered code are stored or processed. Therefore, the Manual is unrelated to claim 7 and does not disclose or suggest an indirect selection of control parameters by algorithmic processing of values of bit positions.

In the “Response to Arguments” section of the Final Office Action, the Examiner asserts that “it is inherent when storing information in a computer system that it will be stored and processed in binary.” As set forth above in connection with claim 1, while each number keyed in by the user might be assigned a binary value of a certain number of bits, *the Manual provides no indication as to how bits that may represent an entered code are stored or processed*. Whether or not stored information is inherently stored and processed in binary has no bearing on whether the features of claim 7 are disclosed or suggested by the Manual.

Furthermore, the table on page 1-32 of the Manual indicates that for each value in a code position or position-combination, the value is directly assigned to particular equipment, a market version, cylinders, or a distance impulse number. The code is not processed so that a single value can refer to different things depending on the step of an algorithm being executed. Accordingly, even if one assumes for the sake of argument that the Manual refers to a selection, which Applicant does not concede, the Manual still would not refer to an indirect selection.

In this regard, it is further noted that the Manual refers specifically to a codeword that would be used for direct selection. The Examiner incorrectly refers to positions “1+2” of the keyword as allegedly disclosing an indirect selection because of the

possibility of a user adding individual equipment values to determine a value that indicates a combination of available equipment. However, the positions “1+2” provide for the values 00 for “None,” 01 for “Brake pad wear warning,” 02 for “Seatbelt warning,” and 04 for “Washer fluid level warning.” They also provide for combinations by adding the individual values of the individual equipment of a combination, for a greatest value of 07 indicating “Brake pad wear warning” + “Seatbelt warning” + “Washer fluid level warning.” However, if, in the Manual, the code numbers keyed in by the user are converted, for example, to ASCII values, the positions “1+2” provide for the values 00 = 48, 01 = 49, 02 = 50, 03 = 51, 04 = 52, 05 = 53, 06 = 54, and 07 = 55. If these values are stored as binary values, they would be stored as shown in the following table.

	2 <sup>0</sup> (1) (bit 1)	2 <sup>1</sup> (2) (bit 2)	2 <sup>2</sup> (4) (bit 3)	2 <sup>3</sup> (8) (bit 4)	2 <sup>4</sup> (16) (bit 5)	2 <sup>5</sup> (32) (bit 6)
None (00)	0	0	0	0	1	1
Brake pad wear warning (01)	1	0	0	0	1	1
Seatbelt warning (02)	0	1	0	0	1	1
Brake pad wear warning + Seatbelt warning (03)	1	1	0	0	1	1
Washer fluid level warning (04)	0	0	1	0	1	1
Brake pad wear warning + Washer fluid level warning (05)	1	0	1	0	1	1
Brake pad wear warning + Washer fluid level warning (06)	0	1	1	0	1	1
Brake pad wear warning + Seatbelt warning + Washer fluid level warning (07)	1	1	1	0	1	1

Accordingly, in the Manual, setting of bit position 1 would always indicate availability of “Brake pad wear warning,” and the availability of “Brake pad wear warning” would always be indicated by the setting of bit position 1; setting of bit position 2 would always indicate availability of “Seatbelt warning,” and the availability of “Seatbelt warning” would always be indicated by the setting of bit position 2; and setting of bit position 3 would always indicate availability of “Washer fluid level warning,” and the availability of “Washer fluid level warning” would always be indicated by the setting of bit position 3. Accordingly, contrary to the Examiner’s assertion, if any particular selection type is inherent at all in the disclosure on page 1-32 of the Manual (which Appellant does not concede), the selection would be a direct selection by single bit positions, not an indirect selection.

Accordingly, the Manual does not disclose or suggest an “selecting control parameters of the vehicle version *by algorithmic processing* of values of a plurality of *bit positions* of the version coding,” as recited in claim 7.

Since Gormley does not overcome the deficiencies noted above with respect to the Manual, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 7.

As for claims 8 and 11 which depend from claim 7 and therefore include all of the features recited in claim 7, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 7. *In re Fine, supra.*

In view of all of the foregoing, reversal of this rejection of claims 7, 8 and 11 is respectfully requested.

### **Claim 9**

Claim 9 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual and Gormley. It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 9 for at least the following reasons.

As an initial matter, claim 9 ultimately depends from claim 7 and therefore includes all of the features recited in claim 7. It is therefore respectfully submitted that the combination of the Manual and Gormley does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 7. *In re Fine, supra.*

Furthermore, claim 9 recites that “the control parameters of the vehicle version are contained in the version coding.” The Manual discusses entering a code that represents available equipment, which code includes only a number of digits; however, ***nowhere does the Manual disclose that the code contains control parameters.*** Gormley does not correct this deficiency of the Manual.

For this additional reason, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 9.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

### **Claim 10**

Claim 10 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual and Gormley. It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 10 for at least the following reasons.

As an initial matter, claim 10 depends from claim 7 and therefore includes all of the features recited in claim 7. It is therefore respectfully submitted that the combination of the Manual and Gormley does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 7. *In re Fine, supra*.

Furthermore, claim 10 recites that “the control parameters of the vehicle versions are contained in the version coding.” The Manual discusses entering a code that represents available equipment, which code includes only a number of digits; however, ***nowhere does the Manual disclose that the code contains control parameters***. Gormley does not correct this deficiency of the Manual.

For this additional reason, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claim 10.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

### **C. Rejection of Claims 6 and 12 Under 35 U.S.C. § 103(a)**

#### **Claim 6**

Claim 6 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual, Gormley, and Becker et al. It is respectfully submitted that the combination of the Manual, Gormley, and Becker et al. does not render unpatentable claim 6 for at least the following reasons.

Claim 6 ultimately depends from claim 1 and therefore includes all of the features recited in claim 1. Becker et al. do not correct the deficiencies of the combination of the Manual and Gormley noted above with respect to claim 1. It is therefore respectfully submitted that the combination of the Manual, Gormley, and Becker et al. does not render unpatentable this dependent claim 6 for at least the same reasons set forth above in support of the patentability of claim 1.

Reversal of this rejection of claim 6 is therefore respectfully requested.

### **Claim 12**

Claim 12 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual, Gormley, and Becker et al. It is respectfully submitted that the combination of the Manual, Gormley, and Becker et al. does not render unpatentable claim 12 for at least the following reasons.

Claim 12 ultimately depends from claim 7 and therefore includes all of the features recited in claim 7. Becker et al. do not correct the deficiencies of the combination of the Manual and Gormley noted above with respect to claim 7. It is therefore respectfully submitted that the combination of the Manual, Gormley, and Becker et al. does not render unpatentable this dependent claim 12 for at least the same reasons set forth above in support of the patentability of claim 7.

Reversal of this rejection of claim 12 is therefore respectfully requested.

### **8. EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellant in the appeal. An “Evidence Appendix” section is nevertheless attached hereto.

### **9. RELATED PROCEEDINGS APPENDIX**

As indicated above in Section 2, above, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellant or the assignee, Robert Bosch GmbH, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted. A “Related Proceedings Appendix” section is nevertheless attached hereto.




10. **CONCLUSION**

For at least the reasons indicated above, Appellant respectfully submits that the art of record does not disclose or suggest the subject matter as recited in the claims of the above-identified application. Accordingly, it is respectfully submitted that the subject matter recited in the claims of the present application is new, non-obvious and useful.

In view of all of the foregoing, reversal of all of the rejections set forth in the Final Office Action is therefore respectfully requested.

Respectfully submitted,

 (R.No. 36,197)

Dated: March 27, 2006

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## **CLAIMS APPENDIX**

1. A vehicle controller designed for a plurality of different vehicle versions, comprising:
  - means for storing a plurality of control parameters for the different vehicle versions;
  - means for storing a version coding for customizing the vehicle controller for a predetermined vehicle version, the version coding having a plurality of bit positions; and
  - means for indirect selection of control parameters from the means for storing control parameters by algorithmic processing of values of a plurality of bit positions of the version coding.
2. The vehicle controller according to claim 1, further comprising means for direct selection of control parameters from the means for storing control parameters as a function of values of individual bit positions of the version coding.
3. The vehicle controller according to claim 1, wherein the means for selection is adapted to read control parameters which are contained in the version coding.
4. The vehicle controller according to claim 1, further comprising means for reading control parameters contained in the version coding.
5. The vehicle controller according to claim 1, wherein the control parameters pertain to characteristic values of an electric unit.
6. The vehicle controller according to claim 5, wherein the the electric unit is a generator.
7. A control method for a vehicle controller designed for a plurality of different vehicle versions and having access to a plurality of control parameters for the vehicle versions, the method comprising:
  - version coding for a vehicle version for customizing the vehicle controller; and
  - selecting control parameters of the vehicle version by algorithmic processing of values of a plurality of bit positions of the version coding.

8. The method according to claim 7, wherein the control parameters of the vehicle version are directly selected as a function of a value of individual bit positions of the version coding.
9. The method according to claim 8, wherein the control parameters of the vehicle version are contained in the version coding.
10. The method according to claim 7, wherein the control parameters of the vehicle versions are contained in the version coding.
11. The method according to claim 7, wherein the control parameters pertain to characteristic values of an electric unit.
12. The method according to claim 11, wherein the electric unit is a generator.

### **EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellant in the appeal.

### **RELATED PROCEEDINGS APPENDIX**

As indicated above in Section 2 of this Appeal Brief, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellant or the assignee, Robert Bosch GmbH, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there are no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted.